

**Congress of the United States**  
**Washington, DC 20510**

August 13, 2009

The Honorable Ray LaHood  
Secretary  
Department of Transportation  
1200 New Jersey Avenue SE  
Washington, DC 20590

Dear Secretary LaHood:

As you are no doubt aware, just after midnight on August 8, 2009, the 47 passengers of Continental Airlines Flight 2816, operated by ExpressJet, spent the night inside the small jet. According to reports, Continental Flight 2816 was en route from Houston George Bush Intercontinental Airport to Minneapolis-St. Paul International Airport when it was redirected to Rochester International Airport due to severe weather.

Once on the tarmac in Rochester, it is reported that passengers were held on the aircraft without food and in an increasingly uncomfortable cabin atmosphere. The aircraft was not deplaned until approximately 6:00 a.m. when the crew "timed out", after about six hours on the tarmac. The passengers did not make it to Minneapolis-St. Paul until late that morning.

This incident is very troubling, and we share the passengers' frustration and outrage. Unfortunately, this incident is not isolated. In the first half of 2009, there were 415 departing flights with taxi-out times of three hours or more.

We understand that you have asked the Department of Transportation's General Counsel to open an investigation into whether Continental or its partner ExpressJet Airlines violated any applicable laws or regulations, and we applaud you for this quick action. However, we also urge you to take a broader look to determine if any new regulations or departmental actions are needed to protect against this type of incident in the future. As you consider this question, please take into account the consumer protection provisions in H.R. 915, the "FAA Reauthorization Act of 2009", as passed by the House, and S. 1451, the "FAA Air Transportation Modernization and Safety Improvement Act", as reported out of Committee.

Additionally, we respectfully request, at your earliest convenience, a briefing by you or your staff on the details of this incident and on the status and any preliminary findings of your ongoing investigation. We greatly appreciate your swift action on this matter, and are eager to work with you to ensure that passengers do not endure such unacceptable conditions.

Sincerely,



Al Franken  
United States Senator



James L. Oberstar  
Chairman, House Transportation and  
Infrastructure Committee